

HONORABLE FRANKLIN D. BURGESS

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

PHILLIP (PHIL) KNUDSEN,

Plaintiff,

v.

CITY OF TACOMA, a municipal corporation under the Laws of the State of Washington; JAMES L. WALTON, in his individual capacity; City of Tacoma Council Person KEVIN PHELPS, in his individual capacity; Former City of Tacoma Council Person SHARON McGAVICK, in her individual capacity; RICK TALBERT, City of Tacoma Council Person in his individual Capacity; Former City Attorney for the City of Tacoma ROBIN JENKINSON, in her individual capacity; and "JOHN and JANE DOES" 1 through 10 in their individual capacities,

Defendants.

NO. CO4-5850 FDB

STIPULATION AND PROTECTIVE
ORDER FOR PERSONNEL AND
INVESTIGATIVE RECORDS

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STIPULATION

COME NOW the parties, by and through their attorneys, and stipulate to the entry of a protective order prohibiting the disclosure of certain discovery materials. For the purposes of this stipulation and order, the term “discovery materials” shall mean the documents and materials identified in paragraph 1 herein, whether produced in response to requests for production, responses to interrogatories, or deposition testimony.

1. It is agreed by the parties that the following discovery materials are the subject of, and protected by, this Stipulation and Order:

- a. personnel & investigative files for Percy Jones;
- b. personnel & investigative files for Woodrow Jones;
- c. personnel & investigative files for Karen Larkin;
- d. personnel & investigative files for James Walton;
- e. personnel & investigative files for Robin Jenkinson;
- f. personnel & investigative files for Lela Fishe;
- g. personnel & investigative files for Ray Corpuz;
- h. personnel & investigative files for Mary Brown;
- i. personnel & investigative files for Phillip Knudsen;
- k. personnel & investigative files for John Briehl;
- l. personnel & investigative files for Don Ramsdell;
- m. Washington State Patrol Internal Affairs
Administrative Investigation No. 03-1300 (Bates
numbers 7060 through 15686), and miscellaneous
ancillary documents thereto if produced in an
unredacted form; and
- n. WSPIC Investigation into the Hiring and Promotion
of David Brame, if produced in an unredacted form.

2. It is stipulated that the discovery materials described in paragraph 1, *supra*, will only be disclosed to the parties, their attorneys, and persons assisting counsel in the preparation of this litigation, including consulting and trial experts. It is further stipulated that such documents shall be held strictly in confidence and shall not be disclosed to anyone else, by the parties or by their

attorneys. It is further stipulated that before being provided access to any documents protected by this order, all persons assisting counsel in the preparation of this litigation shall be shown a copy of this Stipulation and Order and advised that they are bound by its terms.

3. It is stipulated that the discovery materials described in paragraph 1, *supra*, may be used in depositions without the necessity of sealing the documents first and may be shown to persons at deposition, provided there is a need to do so.

4. It is stipulated that, in the event any documents which are subject to this protective order are to be filed with the court, said documents shall be filed under seal and labeled as confidential.

5. The parties agree that, at the conclusion of the litigation, including all appellate proceedings, all copies or reproductions of the discovery materials described herein shall be destroyed.

6. The parties further agree that nothing contained in this Stipulation and Order affects in any way, or to any degree, the admissibility of any discovery material or any information disclosed under the terms of this Stipulation and Order. The admissibility of such material and information shall be governed by the Federal Rules of Evidence and the Federal Rules of Civil Procedure in the same manner as any other potential evidence in this case.

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7. Nothing in this Stipulation and Order shall infringe upon the right of any party to object to providing information which is subject to the attorney-client privilege, or which is non-discoverable on any other legitimate ground.

DATED this _____ day of June, 2005.

ELIZABETH A. PAULI
Acting City Attorney

LAW OFFICES OF
BARCUS & ASSOCIATES

By: _____
JEAN P. HOMAN
WSB #27084
Of Attorneys for Defendants

By: _____
PAUL A. LINDENMUTH
WSB #15817
Of Attorneys for Plaintiff

ORDER

Based upon the above stipulation,

IT IS HEREBY ORDERED that the discovery materials described in the above Stipulation shall not be disclosed to anyone other than the parties, their attorneys or persons assisting counsel in the preparation of this litigation; and it is further

ORDERED that the discovery materials described in the above Stipulation shall be treated in accordance with the terms of the Stipulation; and it is further

ORDERED that all copies of said documents shall be destroyed upon the conclusion of this lawsuit.

DATED this 20th day of June 2005.



FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE

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Presented by:

ELIZABETH A. PAULI, Acting City Attorney

By:

JEAN P. HOMAN
WSB #27084
Assistant City Attorney
Of Attorneys for Defendants

Approved as to Form:

LAW OFFICES OF BEN BARCUS & ASSOC.

By:

PAUL LINDENMUTH
WSB #15817
Of Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on _____, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Paul A. Lindenmuth.

JEAN P. HOMAN, WSBA#27084
Attorney for Defendants
Tacoma City Attorney's Office
747 Market Street, Suite 1120
Tacoma, WA 98402
(253) 591-5885
Fax: (253) 591-5755

jhoman@ci.tacoma.wa.us